IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 942 OF 1988

WITH

FIRST APPEAL NO. 432 OF 1990

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

S.N. Gawade for the plaintiffs.
S.M. Kamble, for the respondents.

CORAM: S.B. DESHMUKH, J.
DATE : AUGUST 19, 2006.

P.C. :

1. Learned counsel appearing for respondent submits that Vakalatnama is filed on behalf of Respondent nos.1 to 3. Office report shows that Bhatta is not paid. Learned advocate is appearing for respondent nos.1 to 3. Now Bhatta is not necessary.

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1361 OF 2006

IN

FIRST APPEAL NO. 942 OF 1988

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

S.N. Gawade, AGP for the appellants.
S.M. Kamble, for the respondents.

CORAM: S.B. DESHMUKH, J.

DATE : AUGUST 19, 2006.

P.C. :

1. Heard learned AGP and learned counsel appearing for Respondent nos.1 to 3, being legal heirs of Original Respondent Madhav Bhagwant Shringarpure.

2. Perused the order passed by this court on June 26, 2002 in First Appeal No. 942 of 1988 with First Appeal No. 432 of 1990. It so happened, that, these two First Appeals, were on the cause list of this court on June 26, 2002. In the morning session matters were called out and were kept back, to be heard at 2.45 p.m. At 2.45 p.m., learned counsel Mr. Ghaisas, who was appearing on behalf of Respondent informed the court, that sole respondent, Madhav Shringarpure, in both the appeals i.e. F.A. No. 942 of 1988 and 432 of 1990, died long time back and no steps have been

taken for substitution of legal heirs. This court, noted the fact that earlier also these two appeals were adjourned for taking steps, by the appellants, however, no steps were taken and therefore disposed off these appeals as abated.

3. By this Civil Application the applicant is seeking recalling of the order passed in F.A. NO. 942 of 1988 passed on June 26, 2002. Learned counsel appearing for the respondent, is present and heard in relation to this Civil Application.

4. Having considered the submissions of the learned counsel

and explanation tendered in paragraph 4 of the Civil Application, in my view, case for recalling of the order of dismissal passed by this court on 26.6.2002 in F.A. NO. 942 of 1988 is established.

5. In the result, Civil Application is allowed in terms of prayer clause 4(a) and (b) and disposed off accordingly.

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 942 OF 1988

WITH

FIRST APPEAL NO. 432 OF 1990

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

S.N. Gawade for the plaintiffs.
S.M. Kamble, for the respondents.

CORAM: S.B. DESHMUKH, J.
DATE : AUGUST 19, 2006.

P.C. :

1. Heard learned counsel appearing for the parties.

2. At the request of the

learned counsel appearing for the Respondent, Registry is directed to list this appeal on final hearing board at its appropriate position.

(JUDGE)